



OFFICE OF THE CITY CLERK CITY OF BINGHAMTON

William Berg, City Council President
Jeremy Pelletier, City Clerk

**BOARD OF ESTIMATE AND APPORTIONMENT
MEETING MINUTES
DPW Conference Room, 3rd Floor City Hall
Wednesday April 29, 2015**

Call to Order. Called to order at 11:30am by Richard C. David, Mayor

Board Members Present: Chuck Shager, Comptroller; Richard Perkins, Acting City Engineer; Kenneth J. Frank, Corporation Counsel; Terry Kellogg, DPW Commissioner; Richard C. David, Mayor

Board Members Absent: None

Also Present: Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

ITEMS CONSIDERED

Permanent Easement for Portion of 70-72 Court Street. Request to enter into an agreement for a permanent easement for a portion of 72 Court Street, submitted by 33 State Street Associates. Alan Pope, Andrew Urso and Larry Pasquale attended the meeting held January 15, 2014 to discuss the proposal. The Board reviewed this matter, and concluded that any agreement should be limited to the space required for a stairway, but should not include space for a patio. The Board of Contract and Supply approved a Request for Sealed Bids for 70-72 Court Street at a meeting held on February 12, 2014. Such Request for Sealed Bids includes a restriction stating that the sale would be subject to a permanent easement for pedestrian ingress and egress from a basement stairwell at 92 State Street, but that construction above the stairwell would be permitted. Kenneth J. Frank to discuss the details of the permanent easement with Mr. Pope. Kenneth J. Frank sent a letter to Mr. Pope requesting a better description of the distances of the proposed easements. No new updates.

Water Street – Public Right of Way. Offer to purchase Water Street-Public Right of Way (L74 Pg. 356) for \$5,200, submitted by Ellis Brothers and Joseph Inc. on July 14, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and Economic Development on July 16, 2014. Scott Snyder responded on 7/16/2014 stating that he had no objection to the sale of the property. Bob Murphy responded on October 27, 2014 stating that assuming the OTP meets Scott Snyder's okay and last I heard the neighboring property owners were supportive – I have no objection. Tom Costello responded on 11/10/14 stating that he was in favor of the sale of the property but not the proposed use of the property. Jennie Skeadas-Sherry responded on 11/10/2014 stating that she does not have any problem with the purchase. Kenneth Frank will look into easements and rights of way for adjacent property owners. Kenneth J. Frank to meet with Gary Holmes, Robert Murphy and Jennie Skeadas-Sherry to review maps to ensure that of property owners has access to their buildings. Letter regarding easements and rights of way were drafted and will be sent to the attorney representing Ellis Brothers and Joseph Inc. Kenneth J. Frank will send a letter to the company's attorney regarding the easements for the adjacent property owners. A letter will also be sent to the property owner of the garage to ensure it is abandoned. No new updates

Motion to approve the sale of Water Street-Public Right of Way (L74 Pg. 356)

Moved by Frank, seconded by Shager

Motion carried. (Vote 5-0)

Ayes: Perkins, Kellogg, Shager, Frank, David

Nays: None



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NEW BUSINESS

Approval of Minutes. Request to approve the minutes from the Board of Estimate and Apportionment meeting held on April 22, 2015.

Motion to approve minutes from April 22, 2015.

Moved by Shager, seconded by Frank.

Motion carried. (Vote 5-0)

Ayes: Perkins, Kellogg, Shager, Frank, David

Nays: None

126 Eldredge Street. Hudson Chenango Realty, LLC submitted an offer to purchase 126 Eldredge Street for \$500.00 on February 6, 2015. The applicant is purchasing the property to ensure unrestricted access to their other properties.

Response from Assessor: Scott Snyder responded on February 23, 2015 stating that he has no objection to the purchase. He questioned whether the property could be merged due to easements, but if it can be merged it should be a condition.

Response from Code: Tom Costello responded on February 23, 2015 stating that the property was subject of discussion previously. There was a pre-development meeting in relation to railroad access at this location. Tom Costello also stated on April 17, 2015 that has objection to the sale, but would suggest that the City contact the railroad company using the location as an access point to the adjacent railroad track. Jeremy Pelletier received a call from Melanie, who works for the New York, Susquehanna & Western Railway. She said that the company has been utilizing Eldredge St. to access the railroad. They did not know that the City abandoned the street in 2013. Melanie said that the company would be interested in submitting an offer to purchase or work with Hudson Chenango Realty LLC so that the railway has an easement to access the railroad through this property.

Response from PHCD: Juliet Berling responded on March 5, 2015 stating that the offer has no connection to any State or Federal grant funding through the Housing department, therefore no objection.

Response from Economic Development:

Motion to approve the sale of 126 Eldredge Street as a quit claim deed subject to rights of others

Moved by Frank, seconded by Kellogg

Motion carried. (Vote 5-0)

Ayes: Perkins, Kellogg, Shager, Frank, David

Nays: None

Executive Session. Motion to enter into executive session to discuss settlement at 11:39am

Moved by Frank, seconded by Shager.

Voice vote, none opposed.

Reconvene. Called to order at 11:49am by Richard C. David, Mayor

Board Members Present: Chuck Shager, Comptroller; Richard Perkins, Acting City Engineer; Kenneth J. Frank, Corporation Counsel; Terry Kellogg, DPW Commissioner; Richard C. David, Mayor

Board Members Absent: None

Also Present: Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

Motion to authorize Corporation Counsel to proceed with settlements as discussed in executive session.



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Moved by Frank, seconded by Kellogg

Motion carried. (Vote 5-0)

Ayes: Perkins, Kellogg, Shager, Frank, David

Nays: None

Adjournment. Motion to adjourn at 11:51am.

Moved by Shager, seconded by Frank.

Voice vote, none opposed.